

REMARKS

Examination of claims 1-19 is reported in the present Office Action. Claims 1-19 were rejected under the judicially-created Doctrine of obviousness-type double patenting; claims 1-3, 8-17, and 19 were rejected under 35 U.S.C. § 102(e); and claims 1-19 were rejected under 35 U.S.C. § 102(f). Each of the rejections is addressed as follows.

First, applicants note that the Examiner has requested copies of the documents that were cited in the Information Disclosure Statement that was received by the Office in connection with this application on January 14, 2002. Enclosed are copies of the cited documents, as well as a copy of the Form PTO-1449 that was filed with the IDS. Applicants respectfully request that an initialed copy of the Form PTO-1449 be returned with the next Office Action.

The Examiner has also noted that page 1 of the specification should be updated. An updated priority claim has been added to page 1 of the specification in the present amendment.

Claims 1-19 were rejected under the judicially-created Doctrine of Obviousness-Type double patenting over claims 1-17 and 21-37 of U.S. Patent No. 6,290,962, and claims 1-3, 8-17, and 19 were rejected for obviousness-type double patenting over claims 1 and 4-10 of U.S. Patent No. 5,837,240. Applicants respectfully request that these rejections be withdrawn, as terminal disclaimers over the cited patents are filed with this reply. ✓

Claims 1-3, 8-17, and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Czinn et al., U.S. Patent No. 5,538,729. The Examiner states that Czinn teaches methods of treating gastroduodenal diseases by administration of a Helicobacter antigen, and that the present claims recite methods of treating such diseases by administration of a composition that includes a urease peptide, but could also include other components as well, thus apparently making this

composition be similar to the antigen of Czinn. This rejection is respectfully traversed.

The invention of Czinn and that of the present application are quite different. In particular, the Czinn patent teaches the administration of Helicobacter lysate preparations, which include many components, while the present application teaches the administration of purified proteins. To clarify this distinction, claim 1 has now been amended to specify that the urease peptide of the composition of this claim is in substantially purified form. Support for this amendment can be found throughout the application, for example, at page 19. Thus, even if the antigen preparation of Czinn were to include urease among its many components, it is distinct from the compositions of the present claims, in which the urease peptide is in substantially pure form. Applicants thus respectfully request that this rejection be withdrawn.

Claims 1-19 were also rejected under 35 U.S.C. § 102(f) over the Czinn et al. patent (U.S. Patent No. 5,538,729), on the basis that the presently claimed subject matter is claimed in the Czinn patent and there is no common inventorship. As is discussed above, the present invention and that of Czinn are quite different, with the focus of Czinn being the administration of lysate preparations, and the present claims being drawn to methods involving administration of compositions that contain a substantially purified urease peptide. Thus, because the subject matter of the present claims and that of the Czinn patent are different, this rejection should be withdrawn.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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